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Report : Petition of M. Maltby

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IN THE SENATE OF THE UNITED STATES.

MARCH 26, 1860.—Ordered to be printed.

MR. POWELL made the following

REPORT.

[To accompany Bill S. 310.]

The Committee on Pensions, to whom was referred the petition of Mary J. Maltby, praying to be allowed a pension as widow of Lieutenant James West, of the United States army, beg leave to report:

It appears, from the evidence of Colonel D. S. Miles, United States army, and others, that Lieutenant James West, 7th infantry, U. S. A., was stationed at Fort Gibson, Cherokee country, in May, 1834, and that during that month he was detailed to accompany General Leavenworth in the field, on his staff, as topographical officer, on an expedition to the Wachita mountains and Kioways country. The hardships and exposure of that campaign are historical. The general commanding died in the field, (and his widow, by special act of Congress, has been allowed a pension.) About the 15th of September, Colonel Dodge, commanding the 1st regiment of dragoons, marched into Fort Gibson with the shattered remnant of the deceased general's troops, many of whom had died and very many sick; among the number Lieutenant James West was brought in on a litter, sick, and was confined to his bed until the 28th of September, 1834, when he died.

There is no doubt but that Lieutenant West died of disease contracted in consequence of exposure and hardship in this expedition, in the faithful discharge of his duty in the field. Had he been an officer of the navy, and his death had occurred in the manner in which it did, from disease contracted in the line of his duty, his widow would have been entitled to a pension under the general law.

The petitioner, at the time of her husband's death, was left in extreme poverty, with an infant son, dependent on a widowed mother for the support of herself and the education and support of her infant son. She remained a widow eleven years. In 1845, she married T. D. Maltby. It appears that said Maltby, the present husband of the petitioner, in consequence of wounds received whilst gallantly fighting the Indians of Texas at the head of a volunteer company, is so incapacitated by bodily infirmity as to be unable to provide for his comfortable support. The petitioner applied to Congress during her widowhood

for a pension; having married during the pendency of her application, the prayer of her petition was denied.

Hon. Jefferson Davis, of the Senate, who was in the expedition in which Lieutenant West contracted the disease of which he died, is referred to.

This appears to your committee to be a meritorious case; the petitioner is in great poverty, her present husband, in consequence of wounds received in battle with hostile savages, as a volunteer soldier, is unable to support her; her condition, so far as support and maintenance is concerned, is no better than it was in widowhood.

We report a bill for her relief, and ask its favorable consideration.